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n v. In Re: John Pickering-George

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11-1065

IN RE: JOHN T. PICKERING-GEORGE (ADOPTED) JOHN R. DALEY, JR.,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of Delaware
(Related to D. Del Civ. No. 10-cv-00313)

Submitted Pursuant to Rule 21, Fed. R. App. P.
January 31, 2011
Before: MCKEE, Chief Judge, ALDISERT AND WEIS Circuit Judges

(Opinion filed: July 24, 2012)

OPINION

PER CURIAM

In April 2010, John Pickering-George filed an action in the United States District Court for the District of Delaware, apparently seeking “disbursement” of various documents. The District Court issued an order directing Pickering-George to complete an in forma pauperis (“IFP”) application or pay the filing fee within 21 days, warning that failure to do so would result in dismissal of the case (the “fee order”). Pickering-George failed to comply with the fee order, and the District Court dismissed the case without

prejudice by order entered July 1, 2010. On August 23, 2010, Pickering-George filed a motion for reconsideration, alleging that he did not receive the fee order. The case was reassigned to Judge Leonard P. Stark on August 25, 2010.

In January 2011, Pickering-George filed a petition for a writ of mandamus in this Court, complaining about the District Court's "failure to respond" to his motion for reconsideration. Subsequent to the filing of his mandamus petition, the District Court granted Pickering-George's motion for reconsideration, permitting him to pay the filing fee or submit an IFP application within 21 days. Pickering-George complied with that order and filed an IFP application. The District Court granted that application by order entered March 4, 2011. Because the District Court has provided the relief that Pickering-George sought in his mandamus petition, we will deny that petition as moot.